



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SA:BTK
F. #2000R02268

*610 Federal Plaza
Central Islip, New York 11722*

June 5, 2015

By ECF

The Honorable John Gleeson
United States District Court
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jane Doe v. United States
14-MC-1412 (JG)

Dear Judge Gleeson:

The government writes respectfully to advise the Court that it is currently considering both how to implement and whether or not to appeal the Court's May 21, 2015 decision (the "May 21st Decision"), which ruled that the petitioner's criminal conviction for health care fraud in violation of 18 U.S.C. § 1347 be expunged. To assist in this deliberative process and to afford the government a fair opportunity to carefully consider the record and the Court's decision in this matter, the government requests that the Court: (1) authorize a brief two-week extension of the Court's June 5, 2015 deadline to submit comments on, and proposed modifications to, the Court's May 21st Decision, (2) provide certain clarifications to its May 21st Decision, and (3) authorize a limited unsealing of the record in this case to provide the government with the opportunity to review the transcript of the March 9, 2015 oral argument and the relevant files generated by the United States Department of Probation that are associated with the petitioner's conviction.

As the Court has recognized, determining how to implement its May 21st Decision—without unduly burdening the government's legitimate law enforcement interest—is a complex inquiry. See May 21st Decision at 15. As such, the government respectfully submits that a two-week extension is appropriate here.

Moreover, as stated above, the government is also considering whether or not to appeal the Court's decision, both on a jurisdictional basis and for other reasons. Because the petitioner's records have been sealed pursuant to the Court's May 21st Decision, the government is not in a position to completely assess the record upon which such an appeal would be taken. Relatedly, the government seeks clarification from the Court as to the

factual basis for: (1) its determination that the government conceded the facts set forth in its opinion, and (2) the Court’s finding that the petitioner was terminated from her employment “half a dozen times,” after her probationary term ended in March 2007, as a result of her criminal conviction. See May 21st Order at 7; see also id. at 11 (finding that the petitioner “has been terminated from half a dozen jobs because of her record of conviction”). The government submits that such limited unsealing and clarification is warranted because granting this relief would provide the government a full and fair opportunity to assess the record when considering the propriety of pursuing an appeal in this matter.

Respectfully submitted,

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